



#5/Reg for Reconn
T. H. C. Beth Brown
3/1/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dwight JAMIESON, et al

Examiner: Fields, K.

Serial No.: 09/131,051

Art Unit: 2153

Filed: August 7, 1998

For: MULTI-PROTOCOL LABEL SWITCHING VIRTUAL
PRIVATE NETWORKS

CERTIFICATE OF MAILING

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RESPONSE

Dear Sir,

This is responsive to the Office Action dated November 22, 2000. Reconsideration and allowance of this application are respectfully requested.

Claims 1-10 are now in this case.

The Examiner rejected Claims 1-3 and 7-9 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,999,536 to Kawafuji et al ("Kawafuji"). The Examiner rejected Claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Kawafuji. The examiner objected to

Claims 4 and 10 as being dependant upon a rejected base claim but stated that they would be allowable if rewritten in independent form.

35 U.S.C. 102(e)

In the November 22, 2000 Office Action, the Examiner rejected Claims 1-3 and 7-9 as being anticipated by Kawafuji. The Examiner asserted that:

Kawafuji discloses a virtual private network which enables private communications, over a shared MPLS network, between at least two private networks comprising: a first router coupled to the network and configured to dynamically distribute first router VPN information across the shared MPLS network, wherein the first router VPN information includes a VPN identifier which is assigned to said first router (col. 9, line 49 - col. 10, line 24); a second router coupled to the shared MPLS network and configured to dynamically distribute second router VPN information across the shared MPLS network, wherein said second router VPN information includes a VPN identifier which is assigned to said second router (col. 9, line 49 - col. 10, line 24); wherein said first and second routers are also configured to establish a plurality of switched paths therebetween; and wherein said VPN identifier assigned to said first router is the same as said VPN identifier assigned to said second router (the identifiers will be the same when packets are being distributed between the terminals on the same VPN).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

With respect to Claim 1, applicants respectfully point out that the first and second router are "configured to *dynamically* distribute" VPN information across the shared MPLS network. In contrast, Kawafuji does not disclose the *dynamic* distribution of VPN information over a shared MPLS network. Instead, Kawafuji discloses a router that has multiple ports for connecting virtual LANs. Each port of the router has a port number and a VLAN Id. When a packet of data is transmitted through the router, the router compares the port number and VLAN Id from which the packet is received to a port number and VLAN Id stored in a memory of the router associated with the sender IP address. If these do not match, then the data associated with

the sender Id is deleted from the router memory. If a terminal attached to a new connection on the router receives a packet of data, the router stores the port number and VLAN Id of the receiving terminal in its memory. Further, when a terminal connected to the router changes its VLAN Id and sends a data packet through the router, the router stores the new VLAN Id in its memory. (See col. 10, Lines 4-24 of Kawafuji). This citation from Kawafuji merely illustrates, that the router maintains a table that is updated. However, there is no mention of dynamically distributing VPN information from a first router to another router. Accordingly, since this element is not disclosed in Kawafuji, Claim 1 is novel over Kawafuji and should be allowed.

Furthermore, Claim 1 recites that the "first and second routers are also configured to establish a plurality of label switched paths therebetween." As illustrated by the above discussion of Kawafuji, it is apparent that Kawafuji does not disclose the establishment of label switched paths between two routers. Since there are at least two elements in Claim 1 that are not "described" in Kawafuji, Claim 1 is not anticipated by Kawafuji. For the foregoing reasons and others not disclosed herein, Claim 1 should be allowed.

Claims 2-6 ultimately depend from Claim 1. Therefore, since Claim 1 is not anticipated by Kawafuji, Claims 2-6 are not anticipated and should also be allowed.

Claim 7 recites, *inter alia*, first and second router means "coupled to the shared MPLS network for *dynamically* distributing" VPN information. Further, Claim 7 recites that the "first and second router means are also configured to establish a plurality of label switched paths therebetween." As noted in the discussion above, Kawafuji does not disclose the dynamic distribution of VPN information over a shared MPLS network nor does it disclose the establishment of label switched paths between two routers.

For the foregoing reasons and others not disclosed herein, Claim 7 is not anticipated by

Kawafuji and thus should be allowed.

Claims 8-10 ultimately depend from Claim 7. Therefore, since Claim 7 is not anticipated by Kawafuji, Claims 8-10 are not anticipated and should also be allowed.

35 U.S.C. 103(a)

In the November 22, 2000 Office Action, the Examiner rejected Claims 5 and 6 as being unpatentable over Kawafuji. The Examiner asserts that

Kawafuji discloses a virtual private network which enables private communications over a shared MPLS network but is silent regarding label switched paths which comprise multipoint-to-point paths or multipoint-to-multipoint paths. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the virtual private network communication system as disclosed by Kawafuji with multiple multipoint-to-point paths as well as multipoint-to-multipoint paths, thereby providing the communications system of Kawafuji the ability to transfer data packets utilizing unicast as well as multicast transmissions.

Applicants respectfully traverse this rejection. Claims 5 and 6 ultimately depend from Claim 1. As noted earlier, Kawafuji fails to disclose several limitations of Claim 1, including the dynamic distribution of VPN information by a router over a shared MPLS network and the establishment of label switched paths between two routers. Therefore, since Claims 5 and 6, by virtue of their dependence on Claim 1, recite elements that are neither disclosed nor suggested by Kawafuji, Claims 5 and 6 are not rendered obvious by Kawafuji. Accordingly, applicants respectfully request that the rejection of Claims 5 and 6 be withdrawn and Claims 5 and 6 be allowed.


No new matter has been added and no additional fee is believed to be necessary.

This responses attends to each and every point noted by the Examiner. The claims are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a

telephone call to Applicant's undersigned attorney, to expedite further processing of the application to allowance.

Dated: February 16, 2001

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard M. Lehrer", written over a horizontal line.

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TRANSMITTAL FORM

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First Named Inventor

Dwight JAMIESON, et al.

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Fields, K.

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Attorney Docket Number

NTL-3.2.035/2034 (RO-4320)

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment/Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts Under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition To Convert a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (Please identify below):

Acknowledgment Postcard

[REMARKS]

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name

COBRIN & GITTES
Richard M. Lehrer, Reg. No. 38,536

Signature

Richard M. Lehrer

Date

February 16, 2001

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